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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,141	03/30/2001	Yevgeniy Eugene Shteyn	US0181043	8655
7590 11/30/2004 Corporate Patent Counsel U.S. Philips Corporation 580 White Plains Road Tarrytown, NY 10591			EXAMINER ALI, SYED J	
			ART UNIT	PAPER NUMBER
			2127	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/823,141

**Applicant(s)**

SHTEYN, YEVGENIY EUGENE

**Examiner**

Syed J Ali

**Art Unit**

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/01; 8/13/02</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-11 are pending in this application.

#### ***Specification***

2. The cross reference related to the application cited in the specification must be updated, i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on page 3, paragraph 0007. The entire specification should be so revised.

#### ***Drawings***

3. The drawings are objected to because they are handwritten and difficult to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al. (USPN 6,697,103) (hereinafter Fernandez).**

6. As per claim 8, Fernandez teaches the invention as claimed, including a tag for being associated with an object within a home environment and for cooperating with a sensor for remote sensing of a presence of the object via the tag (col. 4 lines 43-56).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell et al. (USPN 6,266,612) (hereinafter Dussell) in view of Fernandez.**

9. As per claim 1, Dussell teaches the invention as claimed, including a task management system for use in a home environment for managing a task scheduled in advance (col. 7 lines 24-30), wherein the system comprises:

a sensor for sensing the presence of a location (col. 7 lines 34-49); and

a scheduler for sending a task-related message to the user under control of the sensor (col. 7 lines 34-49).

10. Fernandez teaches the invention as claimed, including the system involving a user moving an object (col. 11 lines 52-57); and

the sensor also being able to sense the presence of an object (col. 4 lines 43-56; col. 9 lines 26-29).

11. It would have been obvious to one of ordinary skill in the art to combine Dussell and Fernandez since the method of Dussell is limited to providing notifications based on the location of a user. Although Dussell specifies that notifications may be based on a variety of factors including due dates (col. 7 lines 24-30), Dussell deals primarily with notifying a user when near a location where a task is specified. Dussell provides an entire framework that would support use in a home network including monitoring the location of a remote device, but does not address this function. Fernandez discusses this aspect that is lacking in Dussell by providing an ability to monitor home devices and schedule their use. The combination of Dussell and

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Fernandez allows a user to pre-program a schedule of to-do items, and notify a user when the specified time is approaching or when the user is nearby a location where a task may be performed.

12. As per claim 2, Fernandez teaches the invention as claimed, including the system of claim 1, comprising a tag being associated with the object and being remotely detectable by the sensor (col. 10 lines 5-15).

13. As per claim 3, Dussell teaches the invention as claimed, including the system of claim 1, comprising software for enabling the user to program the scheduler (col. 7 lines 1-5).

14. As per claim 4, Dussell teaches the invention as claimed, including the system of claim 3, for receiving data via a data network from a remote server for programming the scheduler (col. 7 lines 50-59).

15. As per claim 5, Dussell teaches the invention as claimed, including the system of claim 1 for managing multiple tasks (col. 9 lines 18-24; col. lines 33-36).

16. Fernandez teaches the invention as claimed, including the user moving multiple objects (col. 4 lines 43-56; col. 9 lines 26-29).

17. As per claim 6, Dussell teaches the invention as claimed, including the system of claim 1, for managing multiple interrelated tasks (col. 9 lines 18-24; col. lines 33-36).

18. As per claim 7, Fernandez teaches the invention as claimed, including the system of claim 1 for being incorporated in a home network (col. 4 lines 43-56).

19. As per claim 9, Fernandez teaches the invention as claimed, including the tag of claim 7, being programmable for identifying the object via the sensor (col. 4 lines 43-56).

20. As per claim 10, Dussell teaches the invention as claimed, including software for use on a home network, for receiving first input data associated with a presence of a location (col. 7 lines 34-49), for receiving second input data representative of a scheduled task (col. 7 lines 24-30), the software comprising a scheduler application for generating output data for alerting the user to the task (col. 7 lines 34-49).

21. Fernandez teaches the invention as claimed, including the system involving a user moving an object (col. 11 lines 52-57); and

the sensor also being able to sense the presence of an object (col. 4 lines 43-56; col. 9 lines 26-29).

22. As per claim 11, Dussell teaches the invention as claimed, including a method of providing a service to a user of a task management system for use in a home environment, the system enabling the user to manage a task scheduled in advance (col. 7 lines 24-30), wherein the system comprises:

a sensor for sensing a presence of a location (col. 7 lines 34-49); and

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a scheduler for sending a task-related message to the user under control of the sensor (col. 7 lines 34-49);

wherein the method comprises supplying data to the user via a data network for programming the scheduler (col. 7 lines 52-59).

23. Fernandez teaches the invention as claimed, including the system involving a user moving an object (col. 11 lines 52-57); and

the sensor also being able to sense the presence of an object (col. 4 lines 43-56; col. 9 lines 26-29).

### *Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki (USPN 6,680,675) teaches an interactive to-do list that notifies a user of a pending task when a GPS senses that the user is near the location where a task is to be performed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali  
November 15, 2004



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